

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI**

UNITED STATES OF AMERICA)	
Plaintiff,)	
)	
)	Case No. 22-00235-08-CR-W-BP
vs.)	
)	
DONALD R. POTTS,)	
Defendant.)	

SENTENCING MEMORANDUM

COMES NOW, Defendant Donald R. Potts, by and through undersigned counsel, and files the following Sentencing Memorandum in advance of his sentencing before this Honorable Court. This Sentencing Memorandum is being filed in support of Mr. Potts’ request that the Court consider a sentence of a downward variance of 36 months in custody. The Defendant respectfully makes this suggestion based on his age and minimal participation in the conspiracy.

THE STATUTORY SENTENCING FACTORS OF 18 U.S.C. § 3553(a)

A court must impose a sentence “sufficient, but not greater than necessary” to meet the objectives in U.S.C. §3553(a). Though the Guidelines continue to be “the starting point and the initial benchmark” for determining sentences, courts may “tailor the sentence in light of other statutory concerns as well.” *United States v. Gall*, 552 U.S. 38, 50 (2007). *United States v. Kimbrough*, 552 U.S. 85, 100 (2007) (quoting *United States v. Booker*, 543 U.S. 220, 245-46 (2005)). Put simply, the Court must pay attention to the Guidelines, but may find that § 3553(a)’s factors lead to a different conclusion. *See Kimbrough*, 552 U.S. at 113 (Scalia, J., concurring). As a result, judges have a range of options to determine sentences dictated by the facts of the case. *Gall v. United States*, 552 U.S. 38, 59 (2007).

HISTORY AND CHARACTERISTICS OF MR. POTTS

Mr. Potts is sixty-one years old. His girlfriend is Ms. Annie Hartley. They have been together for twenty-five years. She has continued to support him throughout this matter. He is the father of Ms. Amber Potts, age thirty-six. She has also remained a strong supporter of her father. Ms. Potts recently graduated from Keiser University and is a radiologic technologist. She works at a hospital in Tampa, Florida.

Mr. Potts was self-employed as an electrician prior to his incarceration. He worked in this trade for twenty years. Prior to being an electrician, he worked as a union floor coverer for twenty years. Mr. Potts also worked in real estate “flipping houses.” He graduated from Raytown South High School in 1980. Donald was born in Independence, Missouri. His father, Ray Potts is deceased. He was a chemist for Chemspec throughout his career. Mr. Potts was very close to his dad. His mother, Marilyn Potts is ninety-one years old and suffers from dementia. She worked for the city of Independence in the code enforcement department and for the local police department. She resides at the Parkway Memory Care Center in Blue Springs, Missouri. Prior to his incarceration, Donald would visit her three times a week.

Donald has suffered with his addiction to methamphetamine since the age of thirty. He has maintained some periods of sobriety. Once having avoided drug use for nearly eight years. He has completed in-house drug treatment and three or four other drug treatment programs. He admits that his addiction has been the greatest challenge of his life. It has strained relationships with his daughter and Ms. Hartley, but they continue to support him.

He has lived and worked in a community within Independence, Missouri where he explained that access to illicit drugs was as common as purchasing cigarettes. Mr. Potts would ask the Court to consider his age and minimal role in this conspiracy in determining an appropriate sentence. He admits that his actions were for the purpose of supplying and feeding his addiction. Upon release from his prison sentence, his goal is to

move to Florida to be closer to his daughter. His daughter wants him to come and live with her once he has paid his debt to society.

Respectfully, Submitted,

/s/ Jonathan D. Truesdale
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Certificate of Service

I hereby certify that a copy of the foregoing document was electronically filed with the Clerk of the Court on May 2, 2024 by using the CM/ECF system, which will send a notice of electronic filing to all Counsel of Record.

/s/ Jonathan D. Truesdale
Jonathan D. Truesdale, MO Bar No. 64315